UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSCHUSETTS

RONALD HEBERT and AIME DENAULT On Behalf Of Themselves and Others Similarly Situated,
      Plaintiffs
 	
v.
 	
VANTAGE TRAVEL SERVICE, INC. D/B/A VANTAGE DELUXE WORLD TRAVEL and VANTAGE ADVENTURES,
      Defendant
	Case No. 1:17-cv-10922-DJC

SUPPLEMENTAL AFFIDAVIT OF PATRICK J. OSBORNE IN SUPPORT OF PLAINITIFFS' MOTION TO SUPPLEMENT RECORD CONCERNING THEIR MOTION TO STRIKE/PARTIAL SUMMARY JUDGMENT

I, Patrick J. Osborne, hereby depose and state as follows:

1. I am an attorney duly admitted to practice law in the Commonwealth of Massachusetts and the U.S. District Court for the District of Massachusetts. I represent the named Plaintiffs and others similarly situated in the above captioned case against Defendants Vantage Travel Service, Inc. d/b/a Vantage Deluxe World Travel and Vantage Adventures (collectively, "Vantage").

2. I make this Affidavit in support of Plaintiff's Motion to Supplement Record Concerning Their Motion To Strike/Partial Summary Judgment.

3. Attached as Exhibit D are true and accurate copies of Excerpts of the deposition transcript of Plaintiff Ronald Hebert.

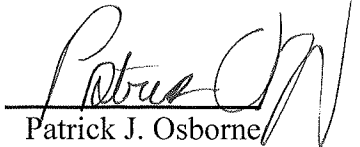Signed under the penalties of perjury this 13th day of March, 2019.

Patrick J. Osborne

EXHIBIT D

1   Pages 1-124

2   Exhibits 1-11

3   UNITED STATES DISTRICT COURT

4   FOR THE DISTRICT OF MASSACHUSETTS

5   CASE NO. 1:17-CV-10922-DJC

6   ***

7   Ronald Hebert and Aime Denault on behalf of

8   themselves and others similarly situated,

9   Plaintiffs

10   vs.

11   Vantage Travel Service, Inc.

12   d/b/a Vantage Deluxe World Travel and

13   Vantage Adventures,

14   Defendants

15   ***

16   Deposition of Ronald Hebert

17   Wednesday, February 20, 2019

18   Law Offices of Smith Duggan Buell & Rufo, LLP

19   55 Old Bedford Road, Suite 300

20   Lincoln, Massachusetts 01734

21   ------Kristen C. Krakofsky------

22   Court Reporter

23   Esquire

24

25

1   Q.   But as you went into your own private area

2 of the website that had your booking information,

3 were there any links that said click here to

4 download the itinerary or the brochure or any

5 language like that?

6   A.   I don't recall that, no.

7   MR. MUELLER: Could I have this marked

8 as Exhibit 2.

9   (Exhibit 2, Passenger Ticket Contract,

10 marked for identification.)

11   BY MR. MUELLER:

12   Q.   Okay. Mr. Hebert, you have in front of you

13 a document marked Exhibit 2.   It's from a

14 declaration which was filed in this case back in

15 June 2017.   It's entitled "Passenger Ticket

16 Contract."   I'm not going to ask you to read through

17 this word for word.   But if you could just take a

18 look at this, my question to you is whether you have

19 seen this document before.

20   A.   I have not.   This was not on the website.

21   Q.   So this was on not on the website.   You do

22 not recall downloading anything that looked like

23 this?

24   A.   No.

25   Q.   And your travel agent did not provide

1   something that looked like this to you?

2   A.   No.

3   Q.   Okay.   Is it possible that your travel

4   agent had this document and just never gave it to

5   you?

6   A.   I couldn't answer that.   I would be

7   surprised, though.   She is pretty efficient.

8   Q.   And I take it that you never received

9   anything that looked like Exhibit No. 2 prior to

10 boarding the River Voyager?

11   A.   No.

12   MR. MUELLER: I'm like this marked as

13 Exhibit 3.

14   (Exhibit 3, affidavit, marked for

15 identification.)

16   BY MR. MUELLER:

17   Q.   Mr. Hebert, before you, marked as

18 Exhibit 3, is an affidavit you filed in this lawsuit

19 back on July 11, 2017, and it's concerning the

20 passenger ticket contract, which we marked as

21 Exhibit 2 earlier.

22   My question to you on this affidavit is in

23 paragraph 6 you state that Vantage never provided

24 the PTC -- the abbreviation for passenger ticket

25 contract -- to any other passenger prior to